

REMARKS

This amendment is in response to the Office Action dated June 24, 2005 in which claims 1-29 were rejected.

Regarding the objection to the disclosure, the specification has been amended at page 12 in the brief description of Fig. 13, Figs. 13(d) and 13(e). Withdrawal of the objection to the specification is requested.

Regarding the objection to the drawings under Rule 83(a), Figs. 8-12 show simulated active percepts for passive perception as recited in claim 1. These show various scanning techniques for constructing mixed images, according to the present invention, without limitation. As defined in the specification at page 9, lines 5-6, a "simulated active percept" denotes an image for stimulating a passive viewer's visual apparatus. Thus, an image scanned according to one of the techniques shown in Figs. 8-12, for example, is presented to a passive viewer such as a passive viewer 494 in Fig. 16 to stimulate the passive viewer's visual apparatus as shown for instance by the image 120 of Figs. 18(c) and 18(d) or Figs. 5(a)-5(d) stimulating the eye 42 of a passive viewer. Withdrawal of the objection to the drawing is requested.

Claims 1-13 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement for the same reasons given in connection with the objection to the drawings. Inasmuch as the objection to the drawings has been overcome by the above explanation, withdrawal of the first paragraph rejection regarding enablement is requested.

Claims 2-12 and 14-29 are rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Regarding the use of the word "may be," this is not indefinite because the steps of the rejected claims deal with a passive viewer which means (as defined at page 9, lines 9-11) one whose body, head or visual axis *may* analogously follow the body, head or visual axis of an observer by following a simulated active percepts. As such, the claimed method is correctly expressed as presenting the simulated active percepts "for" passive perception and it is entirely within the volition of the passive viewer as to whether to utilize the simulated active percepts for passive perception. Therefore, the claims are not indefinite and withdrawal of the 35 U.S.C. § 112, second paragraph, rejection of claims 2-12 and 14-29 is requested.

Regarding the rejection of claims 1-29 under the judicially created doctrine of obviousness-type double patenting, applicant will submit a Terminal Disclaimer with fee along with the issue fee, presuming the claims are allowed. Withdrawal of the obviousness-type double patenting rejection of claims 1-29 is requested.

Claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated by Milgram et al (U.S. 5,175,616). The Examiner points to Figs. 1, 7 and 8 of Milgram et al for showing a step of receiving an image signal (pointer image 371), and providing, in response to the image signal, a mixed image signal (pointing to Fig. 1, a composite image signal 23) for providing simulated active percepts for passive perception stating that Fig. 7 shows the simulated scene (simulated active percepts) being viewed through a pair of stereoscopic video cameras 14 and 16 (passive perception) and pointing to column 8, lines 6-11 and 44-46. As stated in column 8, lines 6-34, a pair of stereo cameras 14, 16 which may be remote and mounted on a robot will form a part of a remote surveillance system and provide individual video signals that are combined in a combining circuit 22 to provide a standard video signal on a line 23 back to the user who is viewing the images on a monitor 38 using stereoscopic shuttering spectacles and controlling a pointer using a positioning device such as a joystick 35. The user is able to move the pointer on the screen within the three-dimensional images captured by the cameras and viewed by the user remotely using the monitor 38. As such, the pointers indicated in Fig. 7(b) at reference numeral 371 and 372 are under the active control of the user by means of the pointer positioning device 35 and do not fall within the meaning of the claimed simulated active percepts. A "passive viewer" means one whose body, head or visual axis may analogously follow the body, head or visual axis of an observer by following simulated active percepts (see definition on page 9, lines 9-11). The user of the Milgram device is not one whose body, head or visual axis may analogously follow the body, head or visual axis of an observer by following simulated active percepts. Rather, the user in Milgram is an active viewer whose activity or the effects thereof are monitored to provide a control signal which affects the information content of an image presented thereto (see the present specification at page 9, beginning at line 12 where the term "active viewer" is defined). Moreover, the Milgram et al disclosure does not have anything to do with a "mixed image" as defined in the present specification comprising one or more images of simulated active percepts having areas of greater and lesser resolution together being simulative of foveal resolution (see definition of "mixed image" at page 9, lines 18-25).

Withdrawal of the novelty rejection of claim 1 is requested.

The objections and rejections of the Office Action of June 24, 2005, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-29 to issue is solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Francis J. Maguire". The signature is written in a cursive style with a large, looping initial "F".

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